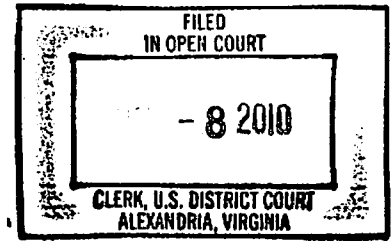


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA )

v. )

PROSCOVIA KAMPIRE NZABANITA, )

Defendant. )

CRIMINAL NO. 1:10cr394

STATEMENT OF FACTS

The parties stipulate that the allegations in the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. On July 21, 2010, in Fairfax, Virginia, PROSCOVIA KAMPIRE NZABANITA knowingly and willfully made material false statements and representations in a matter within the jurisdiction of the executive branch of the Government of the United States. In specific, NZABANITA falsely stated to a federal law enforcement agent that the only purpose of the trip on which Zachary Chesser attempted to embark on July 10, 2010, at J.F.K. Airport in New York, was to go to Uganda to retrieve her birth certificate, and falsely denied knowing that he attempted to fly to Uganda so that he could ultimately make his way to Somalia, and join or assist the terrorist group known as al-Shabaab.

2. In November 2009, NZABANITA and her husband, Zachary Chesser attempted to leave the United States and travel to Somalia so that Zachary Chesser could join the terrorist group known as al-Shabaab and engage in violent jihad. They ultimately postponed their trip because NZABANITA could not obtain her passport from her mother, who possessed the

October 6, 2010 (5:51pm)

passport but refused to release it to NZABANITA because she feared that NZABANITA would use it to travel to Somalia and support a terrorist group. Subsequently, NZABANITA gave birth to a child, and could not travel.

3. In May 2010, NZABANITA and her husband applied for a United States passport for their infant son so that he could travel to Somalia with them. In applying for the passport, NZABANITA provided to the United States Department of State the address of a friend as NZABANITA's permanent address, to ensure that NZABANITA's mother would not find the infant's passport in the mail delivered to her residence and then withhold it from NZABANITA to prevent NZABANITA from leaving the United States to travel to a Muslim country in Africa.

4. On May 28, 2010, Zachary Chesser told NZABANITA that he was going to bring their infant son with him to Africa as a cover. On June 4, 2010, NZABANITA told Zachary Chesser that, no matter what, he was to take their infant son with him on his trip to Somalia. NZABANITA told her husband that he needed to take their infant son with him for his protection.

5. On June 6, 2010, Zachary Chesser instructed NZABANITA to assert that he went to Uganda solely to obtain a copy of her birth certificate if she was questioned about him by law enforcement authorities.

6. On June 24, 2010, NZABANITA and her husband suspected that their apartment had been surreptitiously entered by law enforcement. As a result, NZABANITA and her husband began destroying items in the apartment by pouring water and bleach on them.

7. On July 9, 2010, NZABANITA and her husband left their home in Virginia and drove with their infant son to a hotel in Maryland where they spent the night, in preparation for Zachary Chesser's bringing their son with him on a flight to Uganda to make it appear less likely that

Zachary Chesser was actually continuing on to Somalia to help al-Shabaab. NZABANITA and Zachary Chesser brought with them a video camera.

8. On July 10, 2010, NZABANITA dropped Zachary Chesser and their infant son off at J.F.K. Airport in New York, for her husband to take their son onto a flight with service to Uganda so that Zachary Chesser could ultimately make his way to Somalia to help al-Shabaab. NZABANITA planned to follow Zachary Chesser and rejoin her infant son in Somalia after Ramadan.

9. On July 21, 2010, NZABANITA was questioned by a special agent of the United States Secret Service outside of NZABANITA's residence in Fairfax, Virginia. In response to the questions, NZABANITA falsely denied knowing that Zachary Chesser attempted to fly to Uganda on July 10th so that he could ultimately make his way to Somalia to help al-Shabaab. Instead, she falsely stated that the only purpose of his trip was to go to Uganda to retrieve her birth certificate. NZABANITA's false statement was material to the government's investigation of Zachary Chesser for providing material support for terrorism and related offenses, and was capable of influencing the investigators in their conduct of that investigation.

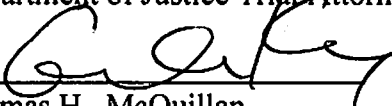
The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offenses charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities.

Respectfully submitted,

Neil H. MacBride  
United States Attorney

John T. Gibbs  
Department of Justice Trial Attorney

By:

  
Thomas H. McQuillan  
Gordon D. Kromberg  
Assistant United States Attorneys

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, PROSCOVIA KAMPIRE NZABANITA and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
\_\_\_\_\_  
PROSCOVIA KAMPIRE NZABANITA

I am PROSCOVIA KAMPIRE NZABANITA's attorney. I have carefully reviewed the above Statement of Facts with her. To my knowledge, her decision to stipulate to these facts is an informed and voluntary one.

  
\_\_\_\_\_  
David B. Smith  
Attorney for PROSCOVIA KAMPIRE NZABANITA